

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATRINA WILLIAMS McCOY

v.

STARZ ENCORE GROUP
a/k/a ENCORE MEDIA COMPANY

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Civil Action No. 02 CV 5125

ORDER

AND NOW, this _____ day of _____, 2003, upon consideration of Defendant's Uncontested Motion to Extend the Deadline for Defendant to File A Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment, it is hereby ORDERED AND DECREED that the deadline for Defendant to file its Reply is extended until October 3, 2003.

BY THE COURT:

Judge William H. Yohn, Jr.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATRINA WILLIAMS McCOY

v.

STARZ ENCORE GROUP
a/k/a ENCORE MEDIA COMPANY

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Civil Action No. 02 CV 5125

UNOPPOSED MOTION TO EXTEND
THE DEADLINE TO FILE A REPLY TO PLAINTIFF'S
RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant Starz Encore Group, a/k/a Encore Media Company ("Defendant"), by and through its counsel, hereby submits this uncontested motion to extend the extend the deadline for Defendant to file a reply to Plaintiff's Response to Defendant's Motion for Summary Judgment, and in support thereof, state as follows:

1. Plaintiff Katrina Williams McCoy ("Plaintiff") filed a Complaint against Defendant on August 5, 2002. Plaintiff alleged discrimination on the basis of race, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e)-5(g).
2. On August 5, 2002, this Court entered an Order permitting Plaintiff to proceed in forma pauperis.
3. On December 20, 2002, this Court entered an Order granting Plaintiff's request for the appointment of counsel in accordance with the Eastern District's Plaintiff's Employment Attorney Panel Program.

4. On December 27, 2002, this Court entered a Scheduling Order closing discovery on March 13, 2003. The Order also required that motions for summary judgment be filed no later than April 13, 2003.
5. Plaintiff was assigned counsel on February 11, 2003.
6. Because of the date that counsel was assigned to represent Plaintiff, Plaintiff's counsel wrote to this Court and requested an additional 90 days to complete discovery. On February 21, 2003, this Court granted Plaintiff's request and extended the discovery deadline until June 13, 2003.
7. In compliance with the Court's Amended Scheduling Order, Defendant filed its Motion for Summary Judgment on July 14, 2003.
8. On July 24, 2003, counsel for Defendant wrote to the Court and requested that all pre-trial and trial deadlines be stayed pending disposition of their Motion for Summary Judgment.
9. On July 25, 2003, this Court entered an Order staying all pre-trial and trial deadlines pending disposition of Defendant's Motion for Summary Judgment.
10. On July 28, 2003, Plaintiff's counsel wrote to Judge Yohn and requested an extension of time within which to file Plaintiff's Response to Defendant's Motion for Summary Judgment, based upon a scheduled settlement conference, the unavailability of transcripts, and Plaintiff's daughter's surgery. Defendant did not oppose this extension.
11. On July 28, 2003, this Court entered an Order granting Plaintiff's request and giving Plaintiff until August 31, 2003, to file a Response to Defendant's Motion for Summary Judgment.

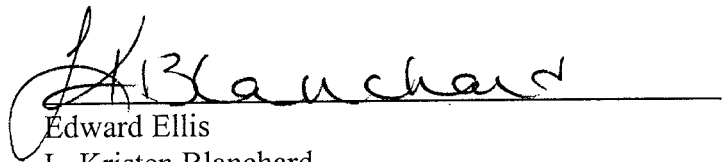
12. Plaintiff thereafter requested an additional extension of time within which to file a Response to Defendant's Motion for Summary Judgment.
13. On August 29, 2003, this Court granted Plaintiff's request and gave Plaintiff until September 16, 2003, to file her Response to Defendant's Motion for Summary Judgment.
14. On September 16, 2003, Plaintiff filed her Response to Defendant's Motion for Summary Judgment. She mailed a copy of the Response to local counsel L. Kristen Blanchard, Esquire, without any of the exhibits attached. She mailed a copy of the entire Response, including all exhibits, to counsel David H. Stacy, Esquire, in Colorado. Mr. Stacy received his copy of the Response with exhibits on September 22, 2003.
15. The exhibits attached to Plaintiff's Response brief are approximately 5 inches thick, consisting of what appears to be hundreds of pages.
16. According to this Court's rules, Defendant's Reply brief must be filed within 7 days of the date that Plaintiff's Response brief was filed. Accordingly, Defendant has until September 23, 2003, to file its Reply.
17. In light of the fact that counsel received Plaintiff's Response with exhibits only one day before the deadline for filing a Reply, and because the exhibits are extensive, Defendant respectfully requests that it be given an additional 10 days within which to file its Reply brief.
18. This motion is not made for the purpose of delay, but rather to give Defendant ample time to review the voluminous exhibits attached to Plaintiff's Response brief and to write a short reply brief.
19. Plaintiff does not contest this motion. As required by Local Rule 7.1, a certificate of counsel that this motion is uncontested is attached hereto as Exhibit "A."

WHEREFORE, Defendant respectfully requests this Court grant its Unopposed Motion to Extend the Deadline for Defendant to File A Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment, and to permit Defendant to file its Reply brief no later than October 3, 2003.

Respectfully submitted,

Date: _____

9/22/03

A handwritten signature in dark ink, appearing to read "L. Kristen Blanchard", is written over a horizontal line.

Edward Ellis

L. Kristen Blanchard

Montgomery, McCracken, Walker & Rhoads, LLP

123 South Broad Street

Philadelphia, PA 19109

(215) 772-1500

Attorneys for Defendant,

Starz Encore Group a/k/a Encore Media Company

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATRINA WILLIAMS McCOY

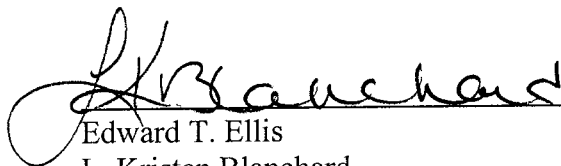
v.

STARZ ENCORE GROUP
a/k/a ENCORE MEDIA COMPANY

Civil Action No. 02 CV 5125

CERTIFICATION

The undersigned hereby certifies pursuant to Local Rule 7.1(b) that Defendant's Motion to Extend the Deadline To File a Reply To Plaintiff's Response To Defendant's Motion for Summary Judgment is uncontested by Plaintiff.



Edward T. Ellis
L. Kristen Blanchard
MONTGOMERY, McCRACKEN,
WALKER & RHOADS, LLP
123 South Broad Street
Philadelphia, PA 19109
(215) 772-1500

Attorneys for Defendant
Starz Encore Group
a/k/a Encore Media Company

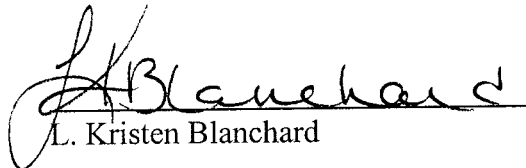
Dated: September 22, 2003

CERTIFICATE OF SERVICE

I, L. Kristen Blanchard, hereby certify that on the 22nd day of September, 2003, I caused a true and correct copy of the foregoing **Unopposed Motion to Extend the Deadline for Defendant to File A Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment** to be served upon counsel for Plaintiff, by U.S. First Class Mail, postage prepaid, addressed as follows:

Sharon Gilbert Timm, Esquire
Law Office of Sharon Gilbert Timm
Penn's Court
350 S. Main Street, Suite 111
Doylestown, PA 18901

*Counsel for Plaintiff,
Katrina Williams McCoy*


L. Kristen Blanchard